



Exhibit B6

Gretchen Butkus (October 6, 2003)

Cheryl Heppner

From:

Sent: Monday, October 06, 2003 7:09 PM

To:

Subject: Re: Captioning problems

In a message dated 10/6/03 2:19:28 PM Eastern Daylight Time, writes:

| in June 2002 when you had problems with captions on ABC

No, that's fine, go ahead and use it and you may use my name as well if that lends more credence to the happenstance. Actually, I am pretty irate with the manner in which captions are performed on our local news programs here in FL.....Orlando, Daytona Beach as NBC and ABC affiliates. The captioners have obviously received the MAJOR news stories from the studio anchors and follow those fairly well. But even with those major stories, if there is any deviation whatsoever, captioners just roll along and ignore the additional news. When it comes to the local weather, we see "toss to weather" and that's the last you read until they come back to the "MAJOR" news again, often starting that while the weathercaster is still on. (How remote is the weathercaster? They appear at the anchor desk soon after their standup delivery!) There is a regular feature with a gardening expert to talk about plants and "answer questions sent in by listeners" and that also is NEVER captioned. I wonder if he is aware of how many listeners are not getting anything from his "advice".

If you watch a nationally syndicated show like "Today" on NBC, the program is captioned in its entirety...EXCEPT when Al Roker finishes up the National weather picture and funnels to the local station. Then, deaf people have no clue, other than the posted pictures with the temperatures and rain, sun, snow icons at the end. "Better than nothing?" you might say? Well, then why bother with anything else for hearing people!

I am grateful to be able to tune in the Weather Channel. But not everyone has that access.

Good luck to you and Claude with your presentation, Cheryl! NVRC (South) hugs, G

I would like to have names and numbers to contact locally when there are these problems. Is the Cable Company supposed to provide those? Often programs are listed in Florida Today newspaper as being captioned and invariably they are not.

10/7/2003

Exhibit B7

Lisa Tempesta (June 10, 2002)

Subj: Comcast did not experience Captioning problems as did Cox!
Date: Monday, June 10, 2002 10:27:11 AM
From:
To:
bcc:

Andrew, please read the email from my sister who was able to watch the Survivor Finale show with full captioning support. I have been working really hard to make Cox realize that the fault of caption anomalies probably lies at Cox. I'd appreciate hearing from you again in regards to why Columbia, Maryland is able to get captions and Vienna and Alexandria are not. Thank you.

Lisa Tempesta

Subj: Re: Fwd: Technical Support
Date: Wed, 5 Jun 2002 6:47:49 PM Eastern Daylight Time
From:
To:

Lisa,

Your Cox cable is wrong. Randy and I were able to watch the show with captioned for two full hours!!! I would suggest you tell him that your sister in Baltimore watched that show and her cable is Comcast. Ask them how come the signal feed from the network to comcast worked, not Cox!!! I have heard that sometimes the cable company or local television didn't bother to fix their signal feed. It's their Cox's technical problem that caused captioned missing. Have them take another look into it. I do not think they bother to take a closer look!!!

In a message dated Mon, 3 Jun 2002 5:26:08 PM Eastern Daylight Time, Tempesta writes:

>In a message dated 5/22/2002 12:08:01 PM Eastern Standard Time,
> writes:
>

>
>> Subj:Re: Technical Support
>> Date:5/22/2002 12:08:01 PM Eastern Standard Time
>> From:
>> To:
>> Sent from the Internet
>>
>>
>>
>> Dear Ms. Tempesta:
>>
>> Thank you for contacting our Cox Northern Virginia Online Customer
Care
>> Team. We had contacted the network about this. They advised us the
>> ~~Closed Captioning~~ for the show was not working properly for any user.
>> This was a problem with the signal feed from the network to Cox
Northern
>> Virginia.
>>
>> If you need additional information on other Cox products or services,
>> please visit our web site at <http://www.cox.com/fairfax>.
>> We hope that we have been able to provide you with the information you
>> requested. If we have not, or if we can be of any additional service to
>> you, please do not hesitate to contact us again.
>>
>> My name is Andrew.
>> Thank you for choosing Cox Communications!
>>
>> Sincerely,
>> The Cox Northern Virginia Online Customer Care Team
>>
>>
>>
>> Original Message Follows:
>> -----
>>
>>
>> Form Message
>> subject: Technical Support
>> detail: Cox Cable
>> FirstName: Lisa

>> LastName: Tempesta
>> Email Address:
>> VerifyEmail:
>> SecondaryEmail:
>> Phone:
>> Account:
>> HomeAddress:
>> City: Vienna
>> State: VA

>> Zip: 22181
>> UserID:
>> Comments: The closed captions for the Survivor: Marquesas Finale show
>> did not work at all during the 2 hours the show was aired on Sunday
>> evening, May 17 from 8 to 10 pm. I watched this show every week for
13
>> weeks only to find out that I could not watch how it all came to an end.
>> I tried to troubleshoot the problem by turning my TV on and off,
>> changing channels to see if other shows were captioned (they were),
>> turned my cable box on and off and nothing succeeded in getting the
>> captions to work. I found out from a friend that Survivor also was not
>> captioned within his area in Springfield. He also has Cox Cable service.
>> His name is Jason Teramae and he lives at 6832 Clowser Court,
>> Springfield, VA 22150. I asked my sister who is also an avid Survivor
>> fan if she got closed captioning in her area. She lives in Columbia,
>> Maryland. She said all of the show (2 hours) except for the last 10
>> minutes were captioned. I've reported numerous problems with captions
>> not working, specifically with the shows Sex in the City and The
>> Sopranos. I've had to give up watching these series and I've missed
>> entire seasons. I've had to rely on renting the tapes at Blockbuster to
>> see these shows. I've had Cox technicians replace the cable box - in
>> fact this was done several times. I've also had the technicians examine
>> the external connection (poke around in the outside box that joins the
>> cable from outside to the cable that runs inside my house). I've even
>> visited your office in Chantilly to voice the problems. I was told by
>> the Cox representative that the problem was with HBO. The Cox
>> representative gave me a phone number at HBO to call. I then talked
with
>> HBO and they told me that this was a problem that should be fixed by
Cox

>> Cable. So each party points the finger at each other which is not
>> productive and I, the customer is left in the rain with a broken
>> umbrella you've both sold to me. My point is this: There are too many
>> times when the captions have not worked on a particular show or a
series
>> and Cox Cable has ignored my complaints. I implore that you please stop
>> disregarding my complaints without carefully examining the
cause/source
>> of the problem. I look forward to hearing from you. Thank you for your
>> attention to this matter. Lisa Tempesta
>> submit: Submit Questions
>
>
>
>
>Subject: Re: Technical Support
>Date: Wed, 22 May 2002 12:07:33 -0400
>From: Cox eCare Northern Virginia
>To: .
>
>Dear Ms. Tempesta:
>
>Thank you for contacting our Cox Northern Virginia Online Customer Care
>Team. We had contacted the network about this. They advised us the
>Closed Captioning for the show was not working properly for any user.
>This was a problem with the signal feed from the network to Cox
Northern
>Virginia.
>
>If you need additional information on other Cox products or services,
>please visit our web site at <http://www.cox.com/fairfax>.
>We hope that we have been able to provide you with the information you
>requested. If we have not, or if we can be of any additional service to
>you, please do not hesitate to contact us again.
>
>My name is Andrew.
>Thank you for choosing Cox Communications!
>
>Sincerely,
>The Cox Northern Virginia Online Customer Care Team

>
>
>

>Original Message Follows:

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>

>Form Message

>subject: Technical Support

>detail: Cox Cable

>FirstName: Lisa

>LastName: Tempesta

>Email Address:

>VerifyEmail:

>SecondaryEmail:

>Phone:

>Account:

>HomeAddress:

>City: Vienna

>State: VA

>Zip: 22181

>UserID:

>Comments: The closed captions for the Survivor: Marquesas Finale show
>did not work at all during the 2 hours the show was aired on Sunday
>evening, May 17 from 8 to 10 pm. I watched this show every week for 13
>weeks only to find out that I could not watch how it all came to an end.
>I tried to troubleshoot the problem by turning my TV on and off,
>changing channels to see if other shows were captioned (they were),
>turned my cable box on and off and nothing succeeded in getting the
>captions to work. I found out from a friend that Survivor also was not
>captioned within his area in Springfield. He also has Cox Cable service.
>His name is Jason Teramae and he lives at 6832 Clowser Court,
>Springfield, VA 22150. I asked my sister who is also an avid Survivor
>fan if she got closed captioning in her area. She lives in Columbia,
>Maryland. She said all of the show (2 hours) except for the last 10
>minutes were captioned. I've reported numerous problems with captions
>not working, specifically with the shows Sex in the City and The
>Sopranos. I've had to give up watching these series and I've missed
>entire seasons. I've had to rely on renting the tapes at Blockbuster to
>see these shows. I've had Cox technicians replace the cable box - in
>fact this was done several times. I've also had the technicians examine

>the external connection (poke around in the outside box that joins the
>cable from outside to the cable that runs inside my house). I've even
>visited your office in Chantilly to voice the problems. I was told by
>the Cox representative that the problem was with HBO. The Cox
>representative gave me a phone number at HBO to call. I then talked with
>HBO and they told me that this was a problem that should be fixed by Cox
>Cable. So each party points the finger at each other which is not
>productive and I, the customer is left in the rain with a broken
>umbrella you've both sold to me. My point is this: There are too many
>times when the captions have not worked on a particular show or a series
>and Cox Cable has ignored my complaints. I implore that you please stop
>disregarding my complaints without carefully examining the
cause/source
>of the problem. I look forward to hearing from you. Thank you for your
>attention to this matter. Lisa Tempesta
>submit: Submit Questions
>
>

Exhibit B8

Richard Johnson (May 9, 2003)

Cheryl Heppner

From: Johnson, Richard
Sent: Friday, May 09, 2003 9:30 AM
To: Cheryl Heppner
Subject: RE: Channel 5 Captioning Errors

Yup. ComCast I think. Actually, last night it was much better than it has been for about 2 weeks. I was thinking, "Gee, Cheryl sure works quickly!" Interestingly enough, I also have ComCast at the beach house --- out of OC I think and it has not been at all bad.

-----Original Message-----

From: Cheryl Heppner
Sent: Friday, May 09, 2003 9:10 AM
To: Johnson, Richard
Subject: RE: Channel 5 Captioning Errors

Just out of curiosity, are you getting your captions through a cable provider? I have Cox and had taped a program on Tuesday night on Fox that was followed by the news. I watched the first 10 minutes and saw captioning mistakes but not to the extent you seem to be experiencing.

Cheryl

-----Original Message-----

From: Johnson, Richard
Sent: Thursday, May 08, 2003 4:41 PM
To: Cheryl Heppner
Subject: RE: Channel 5 Captioning Errors

Yup. It almost looks like an effort to increase the voice-to-print aspect, but with the volume turned up too high!

Thank you for your continuing efforts on behalf of deaf folk.

-----Original Message-----

From: Cheryl Heppner
Sent: Thursday, May 08, 2003 4:38 PM
To: Johnson, Richard
Subject: RE: Channel 5 Captioning Errors

Thanks, Dick. I'll wait to see if any of our e-mail news readers respond after tonight and then send something out tomorrow. This is so frustrating! These folks are asleep at the switch. We all know that if the audio was that garbled, it would be fixed PDQ.

Warm regards,
Cheryl

-----Original Message-----

From: Johnson, Richard
Sent: Thursday, May 08, 2003 4:20 PM
To: Cheryl Heppner
Subject: Channel 5 Captioning Errors
Importance: High

5/12/2003

Ms. Heppner:

I understand that you have means to convey to various TV stations some feedback on the quality of their captioning efforts. For years I have watched Channel 5 news, from 10PM to 11PM. Of late the quality of their captions has dropped far below any reasonably acceptable level. I do not know what they are doing, or trying to do, but the results is totally unacceptable.

Thank you for any attention you can bring on this situation.

April 29 -30, 2003 the 10 o'clock news was totally garbled.

May 5, 2003 the 10 o'clock news captioning was garbled throughout

May 6, 2003 the 10 o'clock news captioning was one solid hour of gibberish

May 7, 2003 the 10 o'clock news had a caption error rate so high that the text was totally incomprehensible

5/12/2003

Exhibit B9

Terrie La Barbera (August 25 and October 7, 2003)

Re: What's up with Channel 20???

Monday, August 25, 2003 14:38:29

That would be great...I recently emailed the Discovery channel about the captioning of *Neteriti Resurrected* which was just sooo full of misspellings it was amazing...I don't understand why a program that they've obviously spent lots of money producing (and it was very interesting) has such shitty captioning...it's a consistent problem with the Discovery channel programming...I've never seen any notice of who does the captioning...I think it might be done in-house and no one proofs them...

Here are some of the misspellings I noted in my email:

"thrown" for "throne"
"lane" for "lain"
"proebig" for "probably"
"kosmo" for "cosmos"
"carnation" for "karnak"
"car mac" for "karnak"
"sack ri lj" for "sacrilege"
"blasfeme" for "blasphemy"
"rights" for "rites"
"mmyfied" for "mummified"
"hire gliks" for "hieroglyphs"

"bass chain" for "bastion"
"praciting ma tist" for "pragmatist"
"it's true" for "if true"

Terrie

Hearders

Cheryl Heppner

From: Tuesday, October 07, 2003 12:54 PM
Sent:
To:
Subject: Re: Captioning complaint

>>I have kept some good examples in my files and one of them
is your list of misspellings from Nefertiti Resurrected. Is it okay if I share this? If
you'd like, I can leave out your name.<<

Feel free to share and pass on my name (add my email addy) if you think
they'd find that useful...

Here's an additional list from the Discovery channel's "~~Living with Tigers~~" (this program
was captioned by Vltac.com captioning):

surface > suffer
offence > fence
what terry > watery
~~weigh station > wavy station~~
carin > carrion
rye no > rhino
posse cat > pussy cat
foul > fowl
adopt > adapt
exceed them > see, them
plans > plains
scam bellowed > scrambled
kept tracks > skeptic
repaired > prepared
pedal to the medal > petal to the metal

One of the worst closed captioning is on the National Geographic specials shown on MSNBC
(I think that the channel)...it's so bad that the program is unwatchable...it's as though
the captioning is done live because it's sooo slow...

Terrie

Exhibit C

EXHIBIT C

2003 Report to the National Captioning Institute Foundation

Recommendations

1. **Address technical issues quickly, before video providers move to digital broadcasting and the 2006 mandate for 100 percent captioning is in place.** Our experiences in trying to content analyze the closed captions and the reported experiences of survey respondents illustrate that the medium itself (television transmission, videocassette recording, digital recording) often introduces error that makes it challenging to watch the captions.
2. **Provide better labeling of captioned shows and provide consistent information about caption sponsor and caption provider.** Coders and respondents had no reliable source of information about whether an upcoming show was captioned and there was very little clear or standardized presentation of who paid for the captions or who provided them. Including such information in the program's captions will likely promote the image of the companies but also increase the salience of closed captioning.
3. **Make it clear who audiences can contact and how.** The Federal Communications Commission suggests that audiences with complaints first contact the network or cable company. Yet the industry interviews reveal that they receive very little feedback from audiences. Indeed, it was more often the captioning company, which sometimes provides a website or is a local entity, who gets the complaints. Offering the station's website, with a "link" for closed captioning, might begin a dialogue between audiences who use closed captioning and programmers that provide them.
4. **Increase investment in the provision of high-quality captioning for local news programming.** Our respondents complained that local news captions go too fast, have too many mistakes, and are often garbled or absent. Our content analysis suggests that they are correct in their complaints. It is a difficult genre to caption – due to the pace of the stories and the idiosyncrasies of the people and places – and unique and dedicated captioners may be required to improve the quality. The survey data indicate that an added investment is warranted because local news captions are the most widely used captions by all audiences and respondents say it is more important to caption this genre of television than any other.
5. **Wherever possible, avoid real-time captioning.** Though live genres often warrant live captions, we saw many instances in the content analysis of

prerecorded programs (such as *Ricki Lake* or *Celebrity Justice*) where the captions are done in real time. This style of captioning is significantly more likely to negatively affect the meaning of the captions and is more likely to introduce problems. Though industry interviews suggest that this is a cheaper way to meet the mandate, it is likely not the intent of the policymakers to have captioning done “on the fly.”

6. **Build quality control into the process of closed captioning.** The escalating need for captioning has led to a proliferation in the number of captioning companies. Yet few television stations say they look at the closed captions in a consistent or critical way. (Indeed, one station manager didn’t believe he had a television at the station or at his home that would allow him to access the closed captions.) Quality control must be an integral part of the implementation of the closed captioning mandate. Ideally, it occurs at each stage of the process: from the application of the captions to the reception on screens.
7. **Recognize that the audience for closed captioning goes beyond those who are deaf and hard of hearing.** While hearing impaired audiences are the heaviest users of closed captions, ESL respondents are consistent users of closed captions, too, saying they use captions to help learn English and develop their reading skills. Respondents from the general population also indicate that they use closed captions when they can’t hear the sound, when they don’t want to hear the sound or when they don’t want to disturb someone else.
8. **Though the closed captioning mandate does not extend to prerecorded video programming, it is clear that audiences are making use of the captioning available on videotape and DVD recordings.** Use of captions in these venues is high; and a great deal of interest has been expressed for the provision of closed captioning in Internet audio.
9. **Audiences are, for the most part, pleased with closed captions.** Closed captions are also widely available. It is now important to conduct research that assesses the best practices for closed captioning style and speed to obtain a sense of the type of captioning that is most effective and pleasing. This might include exploring whether different types of captioning conventions should be used for different program genres.
10. **Making communication technologies truly accessible to underserved groups means understanding the audiences who have special needs and addressing them with unique services.** Greater sophistication in digital technology and television set design may provide an opportunity for closed captioning to be more customized to individuals’ needs. Many respondents expressed personal preferences for the captions

-- larger type, all caps, or slower pace, for example. Given the increasingly widespread use of captions across a wide variety of audiences, it is critical to consider creating a technology that can allow the expression of personal preferences with individual programming.

Caveat: Limitations of the Data

This research was designed to explore the availability, quality, and reception of closed captioning in the United States today. While we attempted to take a comprehensive look at closed captioning from a variety of perspectives, it is important to keep in mind that there are limits to the generalizability of the conclusions. In particular, the TiVo sample of general programming came from a large broadcast market during a particular period of time. Because of the size of the market and the stations' network affiliations, it is possible that this represents the "best" of closed captioning because of the resources available to programmers. In addition, the respondents used for the audience survey and the industry interviews were carefully recruited to represent a variety of perspectives rather than randomly drawn from a large population. As a result, the findings should be considered exploratory.

Decisions about the sampling of the sample of general programs (recorded via TiVo) and news programs (recorded on videotape from local markets and national markets and transferred to DVD) were made by Annenberg researchers through a random procedure.

¹ The rules exempt video program providers who have revenues of less than \$3 million per year, programs which are in a language other than English or Spanish, programs for which the audio content is displayed visually, programs shown on new networks for the first four years of the networks' operation, locally produced non-news programs, programs shown between 2am and 6am, and commercials which are no more than 5 minutes long.

² Differences are considered significant if the p value is less than or equal to .05.

³ Because the survey was not randomly distributed, the findings must be treated as exploratory and illustrative of the groups from which they were drawn. The data allow us to make comparisons between groups and suggest avenues for further exploration, but cannot be interpreted as representative of a national population of closed captioning users.

⁴ One industry interview was conducted in August 2002 because of scheduling difficulties.